

REMARKS

Reconsideration of the above-identified application in view of the foregoing amendments and following remarks is respectfully requested.

A. Status of the Claims and Explanation of Amendments

Claims 1, 10, 12, 19, 21, 22, and 27-30 are pending. All claims are rejected under 35 U.S.C. § 112 first paragraph for failing to comply with the written description requirement and second paragraph for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

By this paper, claims 1, 12, 21 and 22 are amended to replace “areas” with “an area.” Support for these amendments can be found throughout the application including, for example, Figs 1, 9, 11 and 14 with the associated text.

Claim 1 is also amended to correct the informalities as pointed out by the Office Action.

Accordingly, no new matter will be introduced by this amendment. Entry is respectfully requested.

B. Claims 1, 10, 12, 19, 21, 22, and 27-30, as amended, are in compliance with 35 U.S.C. § 112, first paragraph.

The rejections of claims 1, 10, 12, 19, 21, 22, and 27-30 are respectfully traversed.

The August 23, 2006, Office Action took the position that “[i]ndependent claims 1, 12, 21 and 22 included language that employs a histogram of a luminance distribution in conjunction with predetermined ranges. However, the specification was not found to include support for these limitations employed in concert with one another. The closest interpretation

involving any 'range' was found to exist with a different embodiment that did not employ a histogram (third embodiment, Specification at p. 23-29)" (08/23/2006 Office Action at p. 4).

Applicant submits that although the word "histogram" does not exist in the third embodiment, it is described in the first and the second embodiments. (Specification at page 17, line 20, to page 18, line 9, and page 21, line 19, to page 22, line 8, respectively).

Therefore, the claim elements recited in claim 12, 21 and 22 are actually supported by the specification. Withdrawal of rejection under 35 U.S.C. § 112, first paragraph is respectfully requested.

C. Claims 1, 10, 12, 19, 21, 22, and 27-30, as amended, are in compliance with 35 U.S.C. § 112, second paragraph.

The rejections of claims 1, 10, 12, 19, 21, 22, and 27-30 are respectfully traversed.

The August 23, 2006, Office Action took the position that "[i]ndependent claims 1, 12, 21 and 22 include indefinite language which generates multiple applications/interpretations of the terms "area" and "areas", and therefore does not distinctly define the claimed subject matter." (08/23/2006 Office Action at p. 5).

Applicant therefore amends the claims and replaces the word "areas" with "an area" to clarify the invention as recited in claims 1, 12, 21 and 22. Applicant believes the amended claims 1, 12, 21 and 22, together with the dependent claims 10, 19, and 27-30 are therefore made in compliance with 35 U.S.C. § 112, second paragraph.

Accordingly, withdrawal of rejection under 35 U.S.C. § 112, second paragraph is respectfully requested.

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Paper dated November 17, 2006
Reply to Office Action dated August 23, 2006

CONCLUSION


For the above-stated reasons, this application is respectfully asserted to be in condition for allowance. An early and favorable examination on the merits is requested. In the event that a telephone conference would facilitate the examination of this application in any way, the Examiner is invited to contact the undersigned at the number provided.

THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY ADDITIONAL FEES WHICH MAY BE REQUIRED FOR THE TIMELY CONSIDERATION OF THIS AMENDMENT UNDER 37 C.F.R. §§ 1.16 AND 1.17, OR CREDIT ANY OVERPAYMENT TO DEPOSIT ACCOUNT NO. 13-4500, ORDER NO. 1232-4680.

Respectfully submitted,
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By: _____


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